



CITY OF MERCER ISLAND
9611 SE 36th Street • Mercer Island, WA 98040-3732
PHONE (206) 275-7605 • FAX (206) 275-7726
www.mercergov.org

Concurrent Review

I am requesting that my permit submittal be accepted and reviewed concurrently during the review of our land use action (File # **SHL14-031/SEP14-025**). I fully understand that the land use application must be approved prior to the issuance of the permit. I take full responsibility for all fees incurred for the permit review and understand that the fees are payable to the City of Mercer Island regardless of the land use outcome. I hold the City harmless for any actions arising from the concurrent review of the permit application, including but not limited to the potential denial of the permit if the land use action is denied.

Signed James Cherberg Date 1/15/15

Name **James Cherberg**

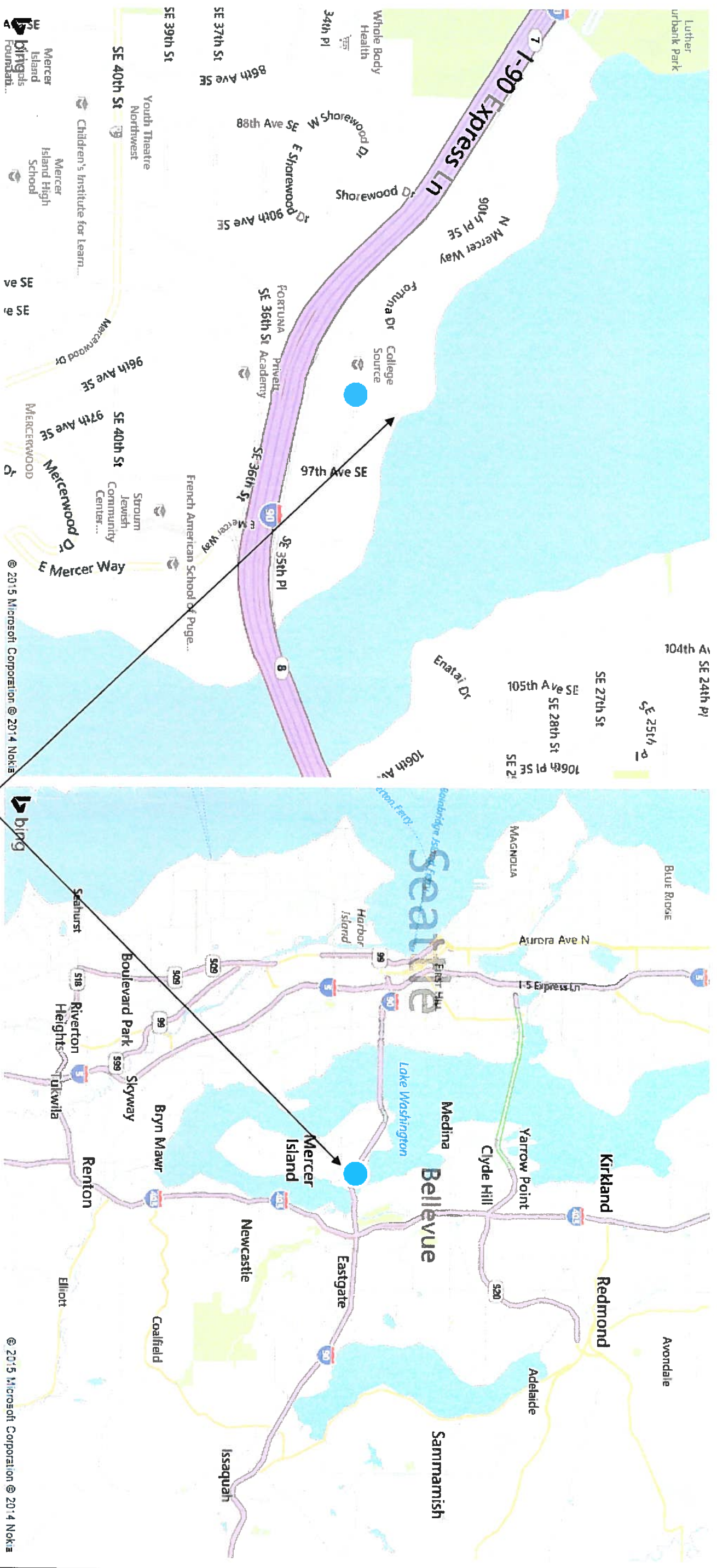
Project Address **9418 SE 33rd Street**

Phone # **206-232-0408**

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CITY OF MERCER ISLAND
DEVELOPMENT SERVICES

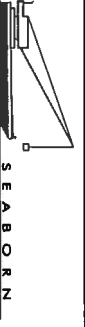


PROJECT SITE

PROJECT ADDRESS: 9418 SE 33RD STREET MERCER ISLAND, WA. 98040 LAT: 47.580478 N. LONG: 122.212243 W.
 PARCEL NUMBER: 4139300405
 AGENT: TED BURNS – SEABORN PILE DRIVING CO. 9311 SE 36TH STREET SUITE 204 MERCER ISLAND, WA. 98040 206.236.1700

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 DEVELOPMENT SERVICES

PURPOSE: PROVIDE ACCESS TO LAKE WASHINGTON FOR RECREATIONAL ACTIVITIES AND SMALL BOAT MOORAGE.



DATUM: CORPS OF ENGINEERS 1919

ADJACENT OWNERS:
 HAL GRIFFITH
 9410 SE 33RD ST
 MERCER ISLAND, WA. 98040

JT GRAUE
 9422 SE 33RD STREET
 MERCER ISLAND, WA. 98040

PROPOSED: Construct a new residential pier with a 100' X 4' walkway, a 8' X 15' connector, a 22' X 4' finger pier, and a 12' X 2' finger pier. The proposed dock will be supported by (15) 8" steel piles and will be fully grouted. Install two ground based boatlifts.

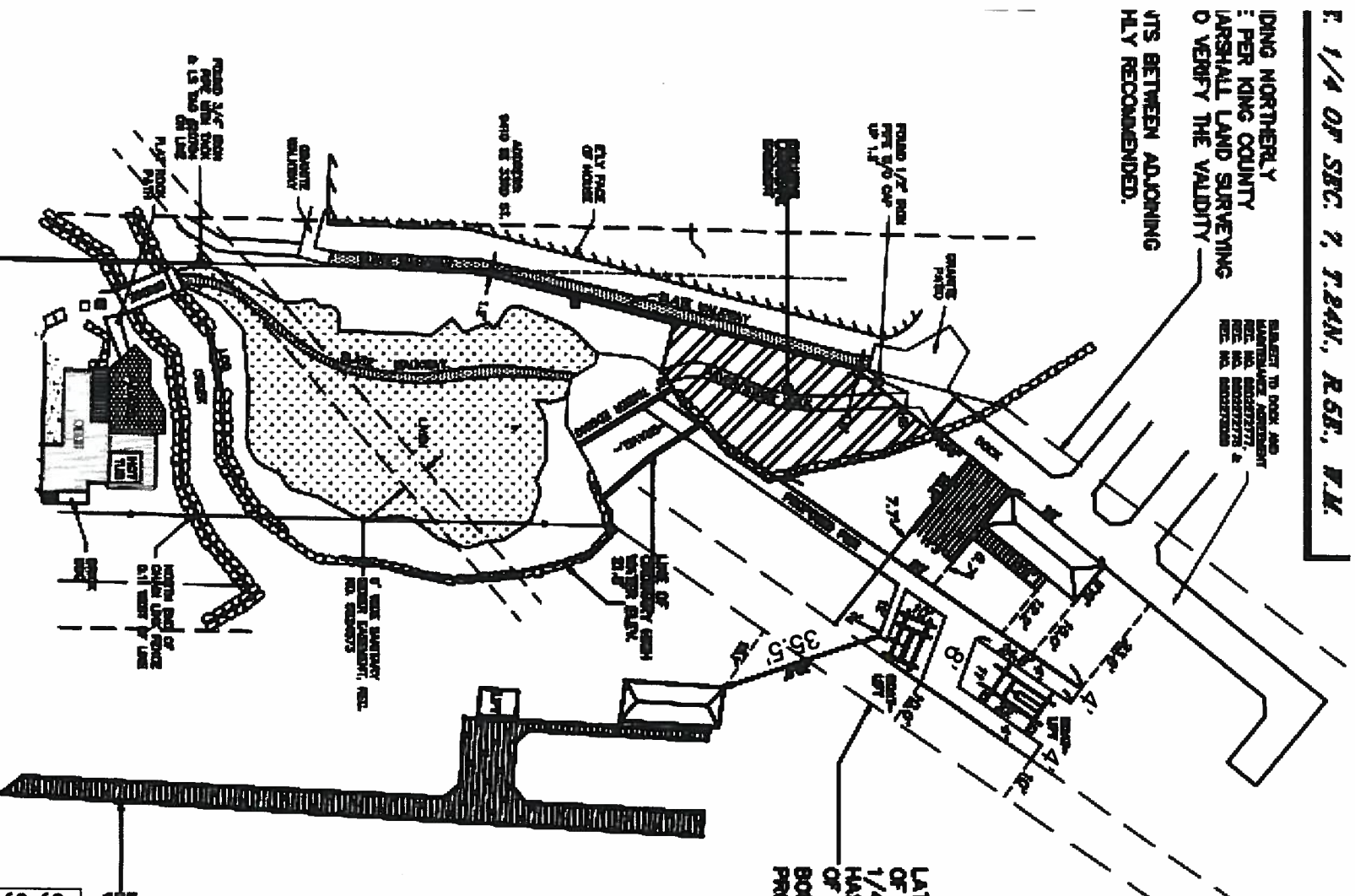
IN: LAKE WASHINGTON APPLICANT: JAMES CHERBERG
 AT: MERCER ISLAND 9418 SE 33RD STREET
 COUNTY: KING MERCER ISLAND, WA. 98040

DATE: 1/3/15 PAGE 1 OF 7

E. 1/4 OF SEC. 7, T.24N., R.5E., W.1.

ADJOINING NORTHERLY
 PER KING COUNTY
 MARSHALL LAND SURVEYING
 TO VERIFY THE VALIDITY
 OF THESE LINES
 IS HIGHLY RECOMMENDED.

PER THE KING AND
 MARSHALL LAND SURVEYING
 ENGINEERS, INC.
 THE FOLLOWING
 IS HIGHLY RECOMMENDED.



LATERAL LOT LINES EXTENDING NORTHERLY
 OF FACE OF SEAWALL ARE PER KING COUNTY
 1/4 SECTION MAP. N.W. MARSHALL LAND SURVEYING
 HAS MADE NO ATTEMPT TO VERIFY THE VALIDITY
 OF THESE LINES.
 BOUNDARY LINE AGREEMENTS BETWEEN ADJOINING
 PROPERTY OWNERS IS HIGHLY RECOMMENDED.

ALL BOUNDARY AND SURVEY INFORMATION SHOWN
 HEREON IS PER A.L.T.A. SURVEY BY "CONCEPT ENGINEERING
 INC." N.W. MARSHALL LAND SURVEYING HAS MADE NO
 ATTEMPT TO VERIFY THE VALIDITY OF ITS CONTENTS.

LABEL DESCRIPTION
 A PORTION OF LOT 9, LANDMARK UNRECORDED

SECTION OF SEAWALL AND DOCK PIER
 TO BE CONSTRUCTED AS SHOWN

SITE PLAN
 SCALE 1" = 25'

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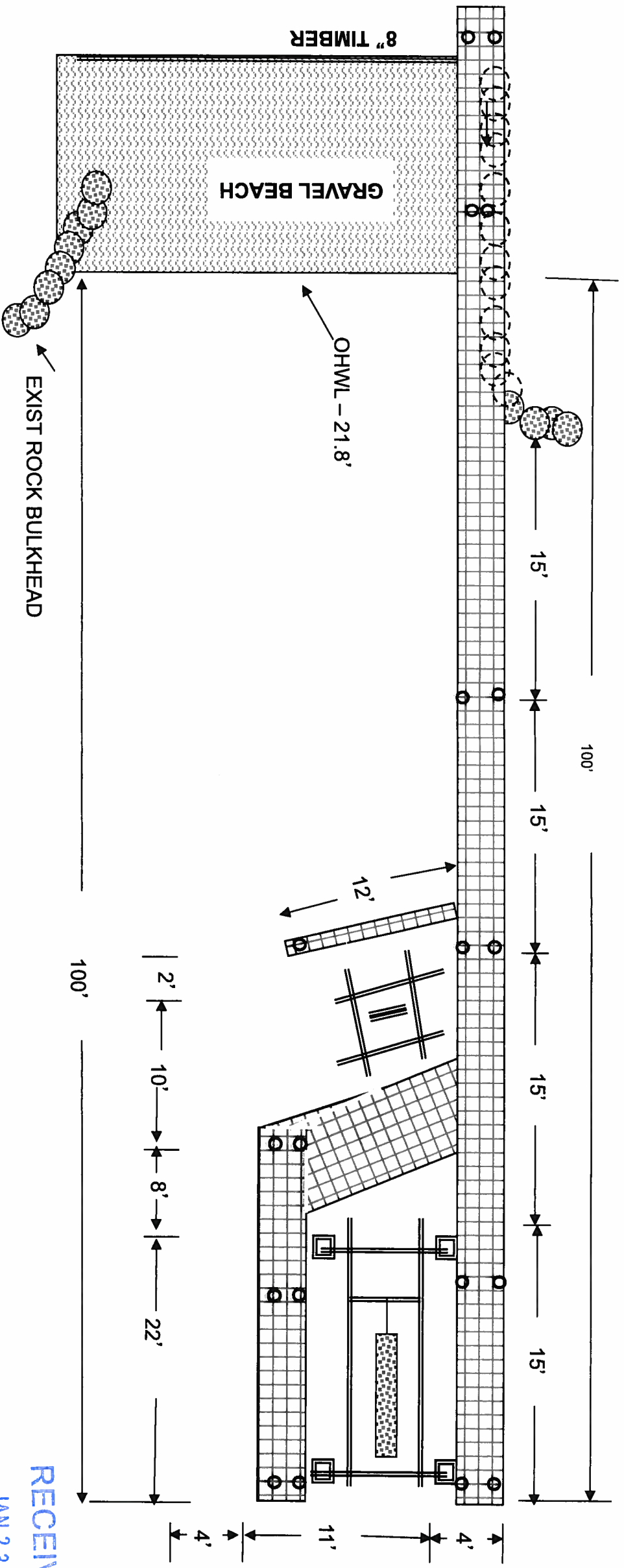
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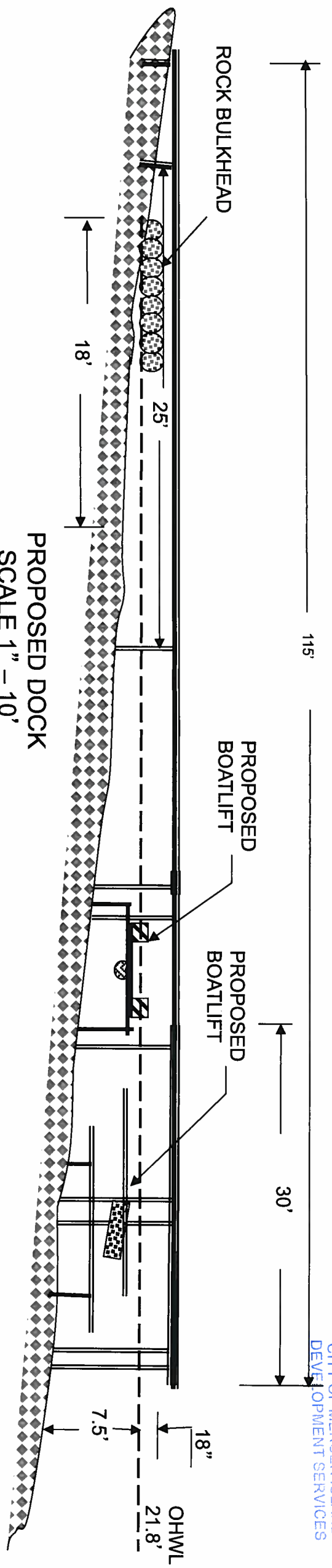
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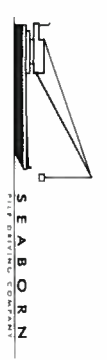


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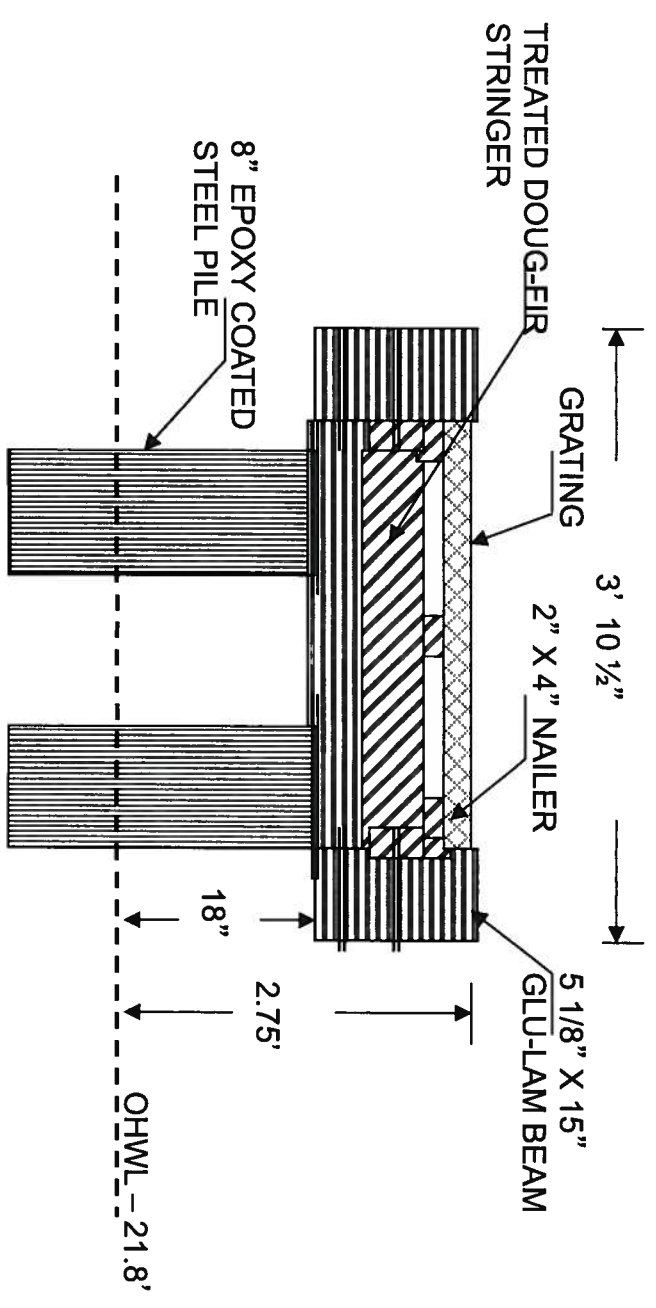
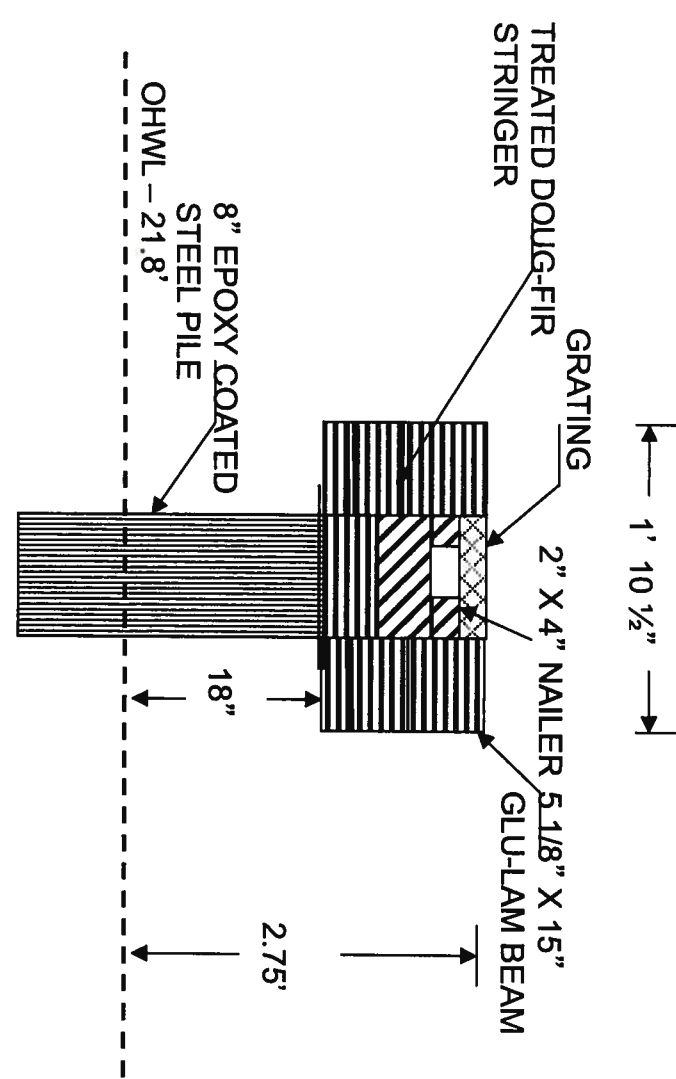
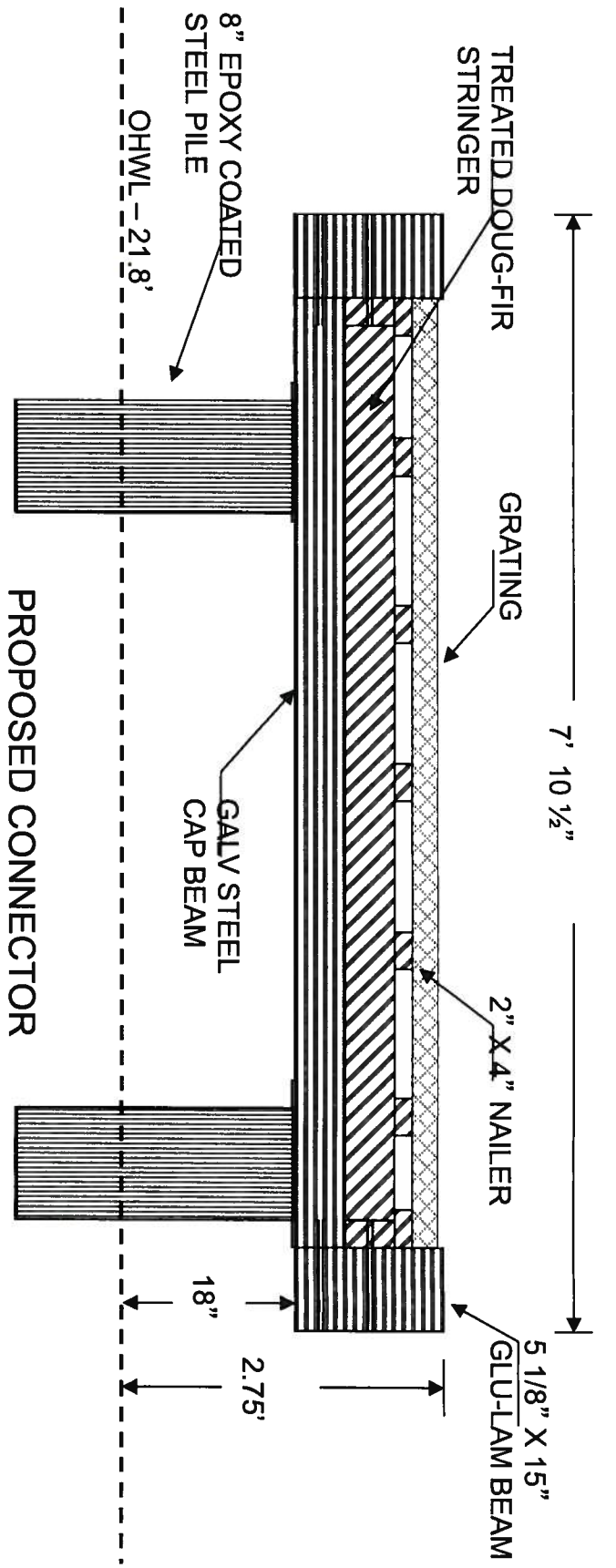
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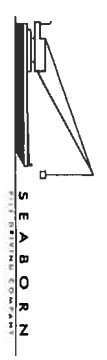
APPLICANT: JAMES CHERBERG NWS-2013-0565
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PROPOSED MAIN WALKWAY

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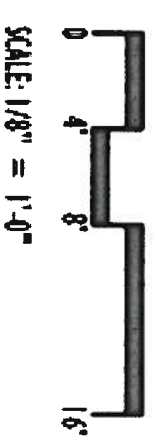
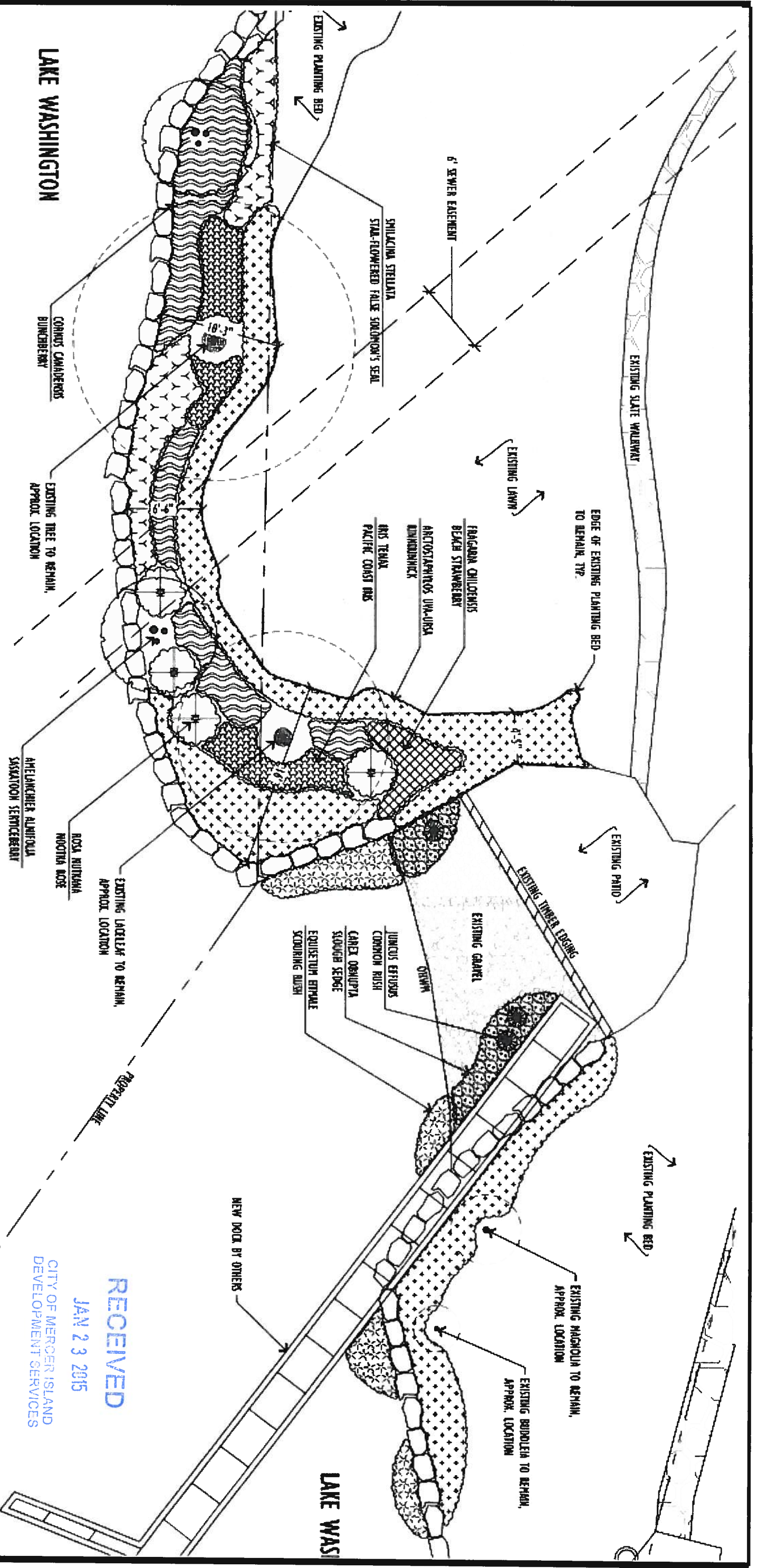
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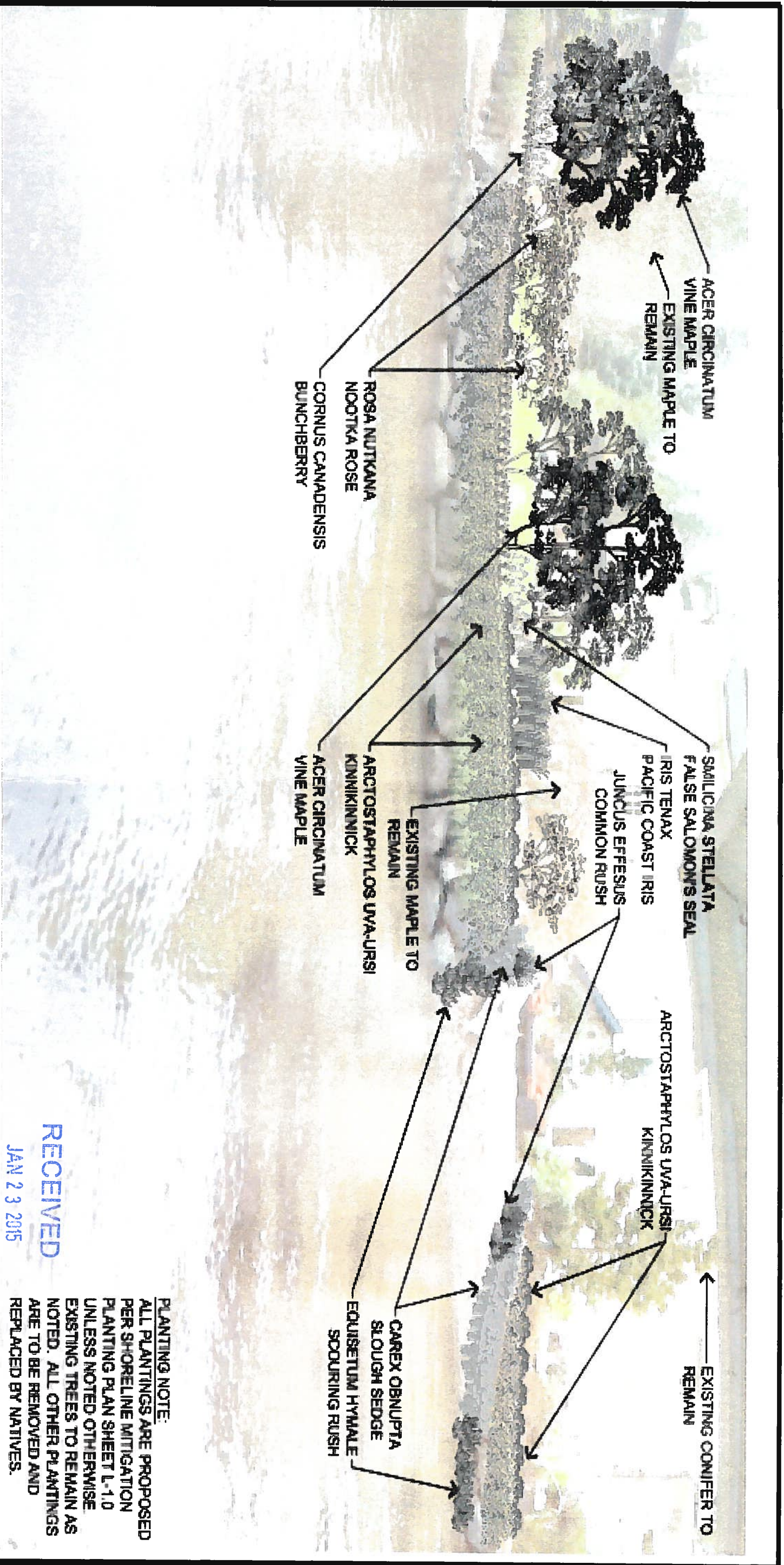
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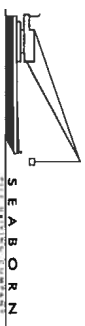
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EXISTING PLANTINGS
 NO SCALE

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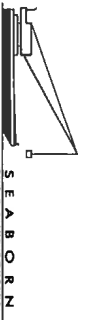
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PLANTING NOTE:
 ALL PLANTINGS ARE PROPOSED
 PER SHORELINE MITIGATION
 PLANTING PLAN SHEET L-1.0
 UNLESS NOTED OTHERWISE
 EXISTING TREES TO REMAIN AS
 NOTED. ALL OTHER PLANTINGS
 ARE TO BE REMOVED AND
 REPLACED BY NATIVES.

CHERBERG PLANT SCHEDULE

QTY	BOTANICAL NAME	COMMON NAME	SIZE	NOTES
SHRUBS				
2	AMELANCHIER ALNIFOLIA	SASKATOON SERVICEBERRY	1.5" CAL.	PLACE AS SHOWN
4	ROSA NUTKANA	NOOTKA ROSE	2 GAL., 5' HT.	4' O.C., FULL AND WELL ROOTED
GROUNDCOVERS				
430	ARCTOSTAPHYLOS UVA-URSA 'MASSACHUSETTS'	KINNIKINNICK	4" POTS	12" O.C., FULL AND WELL ROOTED
152	CORNUS CANADENSIS	BUNCHBERRY	4" POTS	12" O.C., FULL AND WELL ROOTED
29	FRAGARIA CHILOENSIS	BEACH STRAWBERRY	4" POTS	12" O.C., FULL AND WELL ROOTED
EMERGENTS				
21	CAREX OBNUPTA	SLOUGH SEDGE	PLUG	18" O.C.
80	EQUISETUM HYEMALE	SCOURING RUSH	1 GAL.	12" O.C.
3	JUNCUS EFFUSUS	COMMON RUSH	1 GAL.	PLACE AS SHOWN
PERENNIALS AND BULBS				
20	DODECATHÉON PULCHELLUM	PINK PRETTY SHOOTING STAR	BULB	PLACED PER LANDSCAPE ARCHITECT
20	ERYTHRONIUM OREGONUM	WHITE FAWN LILY	BULB	PLACED PER LANDSCAPE ARCHITECT
20	ERYTHRONIUM AMERICANUM	YELLOW TROUT LILY	BULB	PLACED PER LANDSCAPE ARCHITECT
50	IRIS TENAX	PACIFIC COAST IRIS	1 GAL.	15" O.C.
42	SMILACINA STELLATA	STAR-FLOWERED FALSE SOLOMON'S SEAL	1 GAL.	18" O.C., FULL AND WELL ROOTED

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SHL14-031/SEP14-025

Purpose of checklist:

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Use of checklist for nonproject proposals:

Complete this checklist for nonproject proposals, even though questions may be answered "does not apply." IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D).

For nonproject actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

A. BACKGROUND

1. Name of proposed project, if applicable:

2. Name of applicant: **Jim Cherberg**

3. Address and phone number of applicant and contact person: **9418 SE 33rd Street, Mercer Island, WA. 98040**

4. Date checklist prepared: **September 3, 2014**

5. Agency requesting checklist: **City of Mercer Island**

6. Proposed timing or schedule (including phasing, if applicable): **Upon receipt of all permits.**

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. **No.**

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. **None.**

1. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. **No.**

10. List any government approvals or permits that will be needed for your proposal, if known. **City of Mercer Island Substantial Development permit, City of Mercer Island building permit, US Army Corps of Engineers federal permits, and the WA. State Dept. of Fish & Wildlife Hydraulic Project Approval.**

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

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12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

Section: **7** Township: **24** Range: **5**
Latitude: **47.580478 N.** Longitude: **122.212243 W**

B. ENVIRONMENTAL ELEMENTS

1. **Earth**

a. General description of the site (circle one): **Flat**, rolling, hilly, steep slopes, mountainous, other

sp. v. 16%
b. What is the steepest slope on the site (approximate percent slope)? **Less than 2%.**

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland. **Clay and sand.**

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. **Unknown. The surface soils appear to be stable.**

e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill. **No fill proposed as part of the new dock construction project.**

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. **Not applicable.**

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? **None, as part of the dock construction project.**

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: **None required.**

2. Air

a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known. **Typical engine exhaust from the pile driver crane only during construction.**

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. **Unknown.**

c. Proposed measures to reduce or control emissions or other impacts to air, if any: **None required.**

3. Water

a. Surface:

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. **The site is adjacent to Lake Washington.**

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

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3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. **There is no fill or dredge as part of this project.**

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. **No, not as part of the new dock construction.**

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. **Unknown.**

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. **No.**

b. Ground:

- 1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known. **No, not as part of the new dock construction.**
- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. **None as part of the construction of a new residential dock.**

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. **N/A.**
- 2) Could waste materials enter ground or surface waters? If so, generally describe. **No.**

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any: **Installation and maintenance of an erosion fence during construction.**

4. **Plants**

a. Check or circle types of vegetation found on the site:

- deciduous tree: alder, maple, aspen, other
- evergreen tree: fir, cedar, pine, other
- shrubs
- grass
- pasture
- crop or grain
- wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- water plants: water lily, eelgrass, milfoil, other
- other types of vegetation

b. What kind and amount of vegetation will be removed or altered? **None as part of the dock construction.**

c. List threatened or endangered species known to be on or near the site. **None known.**

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: **A planting plan will be implemented on the site as part of the mitigation.**

5. **Animals**

a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

birds: hawk, heron, eagle, songbirds, **other**:
mammals: deer, bear, elk, **beaver**, other:
fish: **bass, salmon, trout**, herring, shellfish, other:

b. List any threatened or endangered species known to be on or near the site. **Potential for Steelhead Salmon, Bull Trout and Chinook Salmon to be in the adjacent waters of Lake Washington.**

c. Is the site part of a migration route? If so, explain. **Migration route for salmonoids. .**

d. Proposed measures to preserve or enhance wildlife, if any: **N/A.**

6. **Energy and natural resources**

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. **None as part of the new dock construction.**

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. **No.**

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any: **N/A.**

7. **Environmental health**

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. **No.**

1) Describe special emergency services that might be required. **None as part of the new dock construction.**

2) Proposed measures to reduce or control environmental health hazards, if any: **None.**

b. **Noise**

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? **None.**

birds approved 10/2/15

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. **Typical light machinery while the dock is under construction from 7:00 am – 3:30 pm daily.**

3) Proposed measures to reduce or control noise impacts, if any: **Operate machinery only as required.**

8. Land and shoreline use

- ✓ a. What is the current use of the site and adjacent properties? **Residential single family living and recreation.**
- ✓ b. Has the site been used for agriculture? If so, describe. **Unknown.**
- ✓ c. Describe any structures on the site. **There is currently a single family residence at the site.**
- ✓ d. Will any structures be demolished? If so, what? **No, not as part of this project.**
- ✓ e. What is the current zoning classification of the site? **R-15.**
- ✓ f. What is the current comprehensive plan designation of the site? **R-15.**
- ✓ g. If applicable, what is the current shoreline master program designation of the site? **Urban Residential Environment.**
- ✓ h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify. **None.**
- ✓ i. Approximately how many people would reside or work in the completed project? **None, as part of the new dock construction.**
- ✓ j. Approximately how many people would the completed project displace? **None.**
- ✓ k. Proposed measures to avoid or reduce displacement impacts, if any: **N/A.**
- ✓ l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: **To ensure local, state and federal compliance, the project will include a Shoreline Substantial Development permit and a SEPA review by the City of Mercer Island, a HPA (Hydraulic Project Approval) permit from the Washington State Department of Fish & Wildlife, and a federal Section 10 (work in navigable waters) permit from the US Army Corps of Engineers.**

9. **Housing**

- ✓ a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. **None as part of the new dock construction.**
- ✓ b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. **None as part of the new dock construction.**
- ✓ c. Proposed measures to reduce or control housing impacts, if any: **N/A.**

10. **Aesthetics**

- ✓ a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? **The surface of the proposed dock will be less than 60" above the ordinary high water line.**
- ✓ b. What views in the immediate vicinity would be altered or obstructed? **None.**
- ✓ c. Proposed measures to reduce or control aesthetic impacts, if any: **N/A.**

11. **Light and glare**

- ✓ a. What type of light or glare will the proposal produce? What time of day would it mainly occur? **None.**
- ✓ b. Could light or glare from the finished project be a safety hazard or interfere with views? **N/A.**
- ✓ c. What existing off-site sources of light or glare may affect your proposal? **None.**
- ✓ d. Proposed measures to reduce or control light and glare impacts, if any: **N/A.**

12. **Recreation**

- ✓ a. What designated and informal recreational opportunities are in the immediate vicinity **Residential waterfront recreation consisting of boating and swimming.**
- ✓ b. Would the proposed project displace any existing recreational uses? If so, describe. **The proposed new dock is consistent with the existing residential use of the other property in the vicinity.**
- ✓ c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: **None required.**

13. **Historic and cultural preservation**

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe. **Unknown.**
- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site. **Unknown.**
- c. Proposed measures to reduce or control impacts, if any: **N/A.**

14. **Transportation**

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any. **The site is located on SE 33rd Street and is adjacent to N. Mercer Way.**
- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop? **Yes, on N. Mercer Way.**
- c. How many parking spaces would the completed project have? How many would the project eliminate? **None.**
- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private). **No.**
- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. **No.**
- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur. **None.**
- g. Proposed measures to reduce or control transportation impacts, if any: **N/A.**

15. **Public services**

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe. **No.**
- b. Proposed measures to reduce or control direct impacts on public services, if any. **N/A.**

16. **Utilities**

- a. Circle utilities currently available at the site: **electricity, natural gas, water, refuse** service, **telephone, sanitary sewer**, septic system, other.
- c. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. **None, as part of the new dock construction.**

TO BE COMPLETED BY APPLICANT

EVALUATION FOR
AGENCY USE ONLY

C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: James W. Shenberg
Date Submitted: 10/8/14

Return Address:
City of Mercer Island
Attn: City Attorney
9611 SE 36th Street
Mercer Island, WA 98040

RECEIVED
JAN 23 2015
CITY OF MERCER ISLAND
DEVELOPMENT SERVICES

**JOINT AGREEMENT
For
ADJACENT MOORAGE FACILITY AND BOAT LIFT**

Licensors: Griffith, Hal E. and Griffith, Joan I.
Licensees: Cherberg, James W. and Cherberg, Nan Chot

Properties Legal Description:

Ptn. Gov. Lot 4, Sec. 7, TWP 24 N., RG. 5 E., W.M.

Full legal on Exhibit A for Licensors and Exhibit B for Licensees.

Licensors' Property Tax Parcel ID No.: 413930-0360-04

Licensees' Property Tax Parcel ID No.: 413930-0405-01

THIS JOINT AGREEMENT ("Agreement") is entered into this ____ day of November, 2014. The parties ("Parties") to this Agreement are Hal E. Griffith and Joan I. Griffith, husband and wife (Licensors), and James W. Cherberg and Nan Chot Cherberg, husband and wife (Licensees).

A. Description of Properties. The Licensees own certain subject real property commonly known as Tax Parcel No. 413930-0405-01, 9418 SE 33rd Street, Mercer Island, WA 98040 and legally described in Exhibit B ("Licensees Property"). The Licensors own certain adjacent real property next to subject site commonly known as 9410 SE 33rd Street, Mercer Island, WA 98040, and legally described in Exhibit A ("Licensors Property").

B. Improvements. Licensees wish to construct, make alterations to or has constructed the private improvements described as a dock structure or moorage facility located as shown in Exhibit C ("Improvements"). The Improvements that currently exist or will be constructed and located according to Exhibit C on property owned by Licensees are located within 35'-0" setback of the adjacent moorage structure owned or controlled by Licensors.

MICC 19.07.080 D.2. Table B. Note B. requires 35 feet setback between adjoining moorage structures except where moorage facility (referenced herein as Improvements) is built pursuant to the joint agreement that includes the area of permitted covered moorage and moorage facilities, two adjoining single family lots. The Licensors are the property owner adjacent to the Improvements.

NOW, THEREFORE the Parties agree as follows:

- 1. Approval of Improvements.** The Licensors and Licensees hereby agree that the Improvements may remain or be constructed on the subject Property.
- 2. Termination.** This Agreement shall be valid in perpetuity. The Licensees may elect to terminate this Agreement by providing notice to Licensors.
- 3. Removal Upon Termination of the Agreement.** In the event the Improvements fail to meet requirements for a moorage facility structure eligible for a joint agreement as set forth in Section 19.07.080 D. of the Mercer Island City Code; or threaten public health, safety or welfare, the Licensees shall remove the improvements within sixty (60) days of receiving notice from the City, at Licensees' sole cost and expense.
- 4. Maintenance of Improvements.** Maintenance of the Improvements shall be the sole cost and responsibility of Licensees. The Licensees shall maintain the Improvements according to this Agreement.
- 5. Indemnification.** The Licensees and Licensors hereby agree to indemnify and hold the City, its elected officials, officers, employees, agents and assigns harmless from any and all claims, demands, losses, actions, liabilities (including all costs and attorney fees) arising out of damages to persons or property resulting from the construction, location or removal of the Improvements. The provisions of this Section shall survive the expiration or termination of this Agreement.
- 6. Recording Requirement.** The Licensees shall record this Agreement against their Property and the Licensors' Property with the King County Recorder's Office and pay all recording fees. This Agreement shall run with the land, and therefore bind Licensees and Licensors, Licensees' and Licensors' heirs, assigns and any subsequent owners of the Properties. Conformance with the code exists when the City receives a copy of the recorded Agreement from the Recorder's Office.
- 7. Joint Agreement Review Fee.** The Licensees shall obtain approval of this Agreement from the City Attorney and pay the applicable fee for a Joint Agreement as established by the City, prior to recording.
- 8. General Provisions.** This Agreement contains all of the agreements of the Parties with respect to any matter covered or mentioned in this Agreement, namely the location of dock improvements on Exhibit C and the waiver of the 35-foot separation rule. This Agreement does not address any other issues between the parties, and the parties specifically

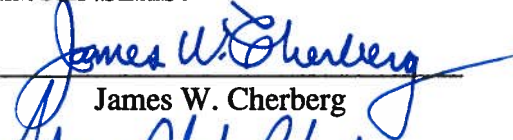
reserve all rights and remedies thereof, and specifically do not waive or release any of those other rights and remedies by entering into this Agreement, which Agreement is designed to solely complete Licensors' promise to do so and for no other purpose. No provision of the Agreement may be amended or modified except by written agreement signed by the Parties. This Agreement shall be binding upon and inure to the benefit of the Parties' successors in interest, heirs and assigns. Any provision of this Agreement which is declared invalid or illegal shall in no way affect or invalidate any other provision. In the event either of the Parties defaults on the performance of any terms of this Agreement or either Party places the enforcement of this Agreement in the hands of an attorney, or files a lawsuit, each Party shall pay all its own attorney fees, costs and expenses. The venue for any dispute related to this Agreement shall be King County, Washington. Failure of the City to declare any breach or default immediately upon the occurrence thereof, or delay in taking any action in connection with, shall not waive such breach or default. Time is of the essence of this Agreement and each and all of its provisions in which performance is a factor.

LICENSORS:

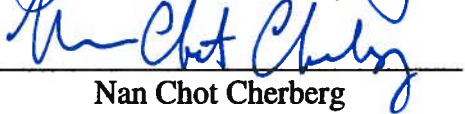
Hal E. Griffith

Joan I. Griffith

LICENSEES:



James W. Cherberg



Nan Chot Cherberg

Exhibit A
GRIFFITH PROPERTY

Parcel 1

That Portion of Government Lot 4, Section 7, Township 24 North, Range 5 East, Willamette Meridian, in King County, Washington, described as follows:

Beginning at a point on the South line of Government Lot 4 in said section distant North 89°57'00" West 276.00 feet from the Southeast corner of said Government Lot 4, as shown on Original Plat of Lakemont, an unrecorded Plat, said Southeast corner being distant North 89°57'00" West 1,333.64 feet from the Southeast corner of Government Lot 5 in said Section 7; and running thence North 834 feet to the True Point of Beginning of the Tract herein described;

Thence North 89°57'00" West 50.00 feet;

Thence North 695 feet, more or less, to the shoreline of Lake Washington;

Thence Southeasterly along said shoreline 70 feet, more or less, to a Point which bears North from the True Point of Beginning, hereinafter referred to as Point "A";

Thence South 650 feet, more or less, to the Point of Beginning,

Except the South 20 feet thereof for road;

Together with Second Class Shorelands adjoining.

(Also known as Tract 65, a Replat of Tracts "E", "F", "G", "H", "I", "J" and "K" of Lakemont, an unrecorded Plat.)

Parcel 2

Beginning at a Point 834 feet North and 266 feet West of the Southeast corner of said Government Lot 4, Section 7, Township 24 North, Range 5 East, Willamette Meridian, in King County, Washington, said point being 10 feet East of the Southwest corner of Lot D, Lakemont, according to the unrecorded Plat thereof;

Thence North 500 feet along a line 10 feet East of and parallel with the West line of said Lot D;

Thence at an angle to the Right, 13°26', to the Shoreline of Lake Washington;

Thence Northwesterly along said shoreline to Point "A", said Point also being the Northwest corner of said Lot D, and said Point also being the Northeast corner of Lot 65, Replat of Tracts: "E", "F", "G", "H", "I", "J" and "K" of Lakemont according to the unrecorded Plat thereof,

Thence South along the West line of said Lot D, also being the East line of said Lot 65, to a Point which is West 10 feet from the Point of Beginning, being the Southwest corner of said Lot D, said Point also being the Southeast corner of said Lot 65;

Thence East along the South line of said Lot D 10 feet to the Point of Beginning;

Except the South 20 feet thereof for road;

Together with Second Class Shorelands adjoining.

Situate in the County of King, State of Washington.

Tax Parcel ID No.: 413930-0360-04

Exhibit B
CHERBERG PROPERTY

That Portion of Government Lot 4, Section 7, Township 24 North, Range 5 East, Willamette Meridian, in King County, Washington, described as follows:

Beginning at a point 834 feet North and 211 feet West of the Southeast corner of said Government Lot 4;
Thence West 65 feet;
Thence North to the Shore of Lake Washington;
Thence Southeasterly on said shore line 150 Feet, more or less, to a point which is North of the Point of Beginning;
Thence South to the Point of Beginning; together with all Second Class Shore Lands in front of said Premises;
Except The South 212.60 Feet;
Except that portion lying within the following described property:

Beginning at a Point 834 feet North and 276 feet West of the Southeast corner of said Government Lot 4;
Thence North to A Point 100 feet South of the shore of Lake Washington and which point is the true Point of Beginning;
Thence continuing North 100 feet to the shore of Lake Washington;
Thence on said shoreline Southeasterly 50 Feet;
Thence Southwesterly to a point 10 feet East of the true Point of Beginning;
Thence South to a line which is 834 feet North of the South Line of said Government Lot 4;
Thence West on said Line 10 feet;
Thence North to the True Point of Beginning;

Together with all Second Class Shorelands in front of said premises;

Situate in the County of King, State of Washington.

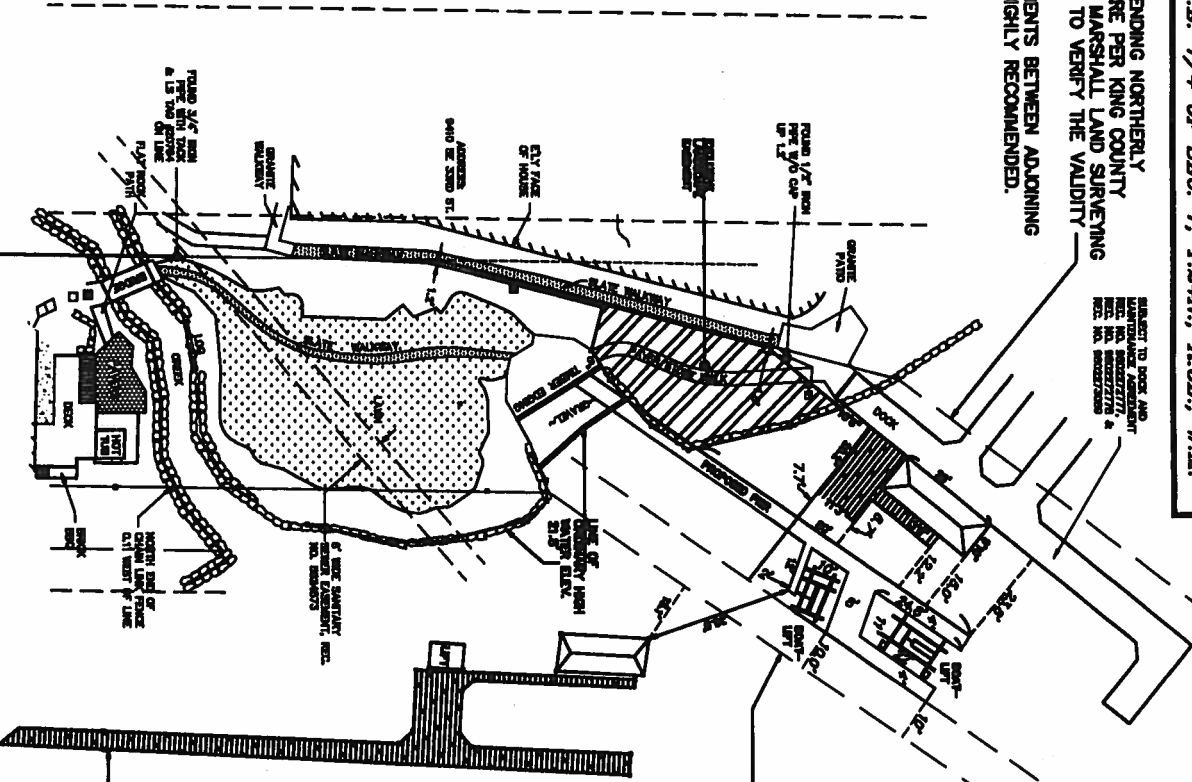
Tax Parcel ID No.: 413930-0405-01

Exhibit C
DOCK DIAGRAM

S.W. 1/4 OF THE N.E. 1/4 OF SEC. 7, T.24N., R.5E., W.1E.

LATERAL LOT LINES EXTENDING NORTHERLY OF FACE OF SEAWALL ARE PER KING COUNTY 1/4 SECTION MAP. M.W. MARSHALL LAND SURVEYING HAS MADE NO ATTEMPT TO VERIFY THE VALIDITY OF THESE LINES.
BOUNDARY LINE AGREEMENTS BETWEEN ADJOINING PROPERTY OWNERS IS HIGHLY RECOMMENDED.

SUBJECT TO DOCK AND MAINTENANCE AGREEMENT PER THE SUBSTITUTION REC. NO. 0000000000



LATERAL LOT LINES EXTENDING NORTHERLY OF FACE OF SEAWALL ARE PER KING COUNTY 1/4 SECTION MAP. M.W. MARSHALL LAND SURVEYING HAS MADE NO ATTEMPT TO VERIFY THE VALIDITY OF THESE LINES.
BOUNDARY LINE AGREEMENTS BETWEEN ADJOINING PROPERTY OWNERS IS HIGHLY RECOMMENDED.

LAKE WASHINGTON



LEGAL DESCRIPTION
A PORTION OF LOT 1, LAMONT UNRECORDED

ALL BOUNDARY AND SURVEY INFORMATION SHOWN HEREON IS PER A.T.A. SURVEY BY "CONCEPT ENGINEERING INC." M.W. MARSHALL LAND SURVEYING HAS MADE NO ATTEMPT TO VERIFY THE VALIDITY OF ITS CONTENTS.

LOCATION OF ROCK OF 1/2\"/>

RECORDING CERTIFICATE

Filed for record this _____ day of _____, 20____ at _____ in _____ County, Washington State, at the request of _____

SURVEYOR'S CERTIFICATE

This map correctly represents a survey made by me or under my supervision in full compliance of the laws governing the practice of my profession.

DATE

M. W. MARSHALL
PROFESSIONAL LAND SURVEYOR

2004 S.W. 2ND ST. BERTON WASH. UNIVERSITY BLDG. 2ND FLOOR - 4000
1000 1ST ST. SE. SUITE 200
SEASIDE WA 98148
PH: 206.465.4000
FAX: 206.465.4001
WWW: WWW.MARSHALLSURVEYING.COM

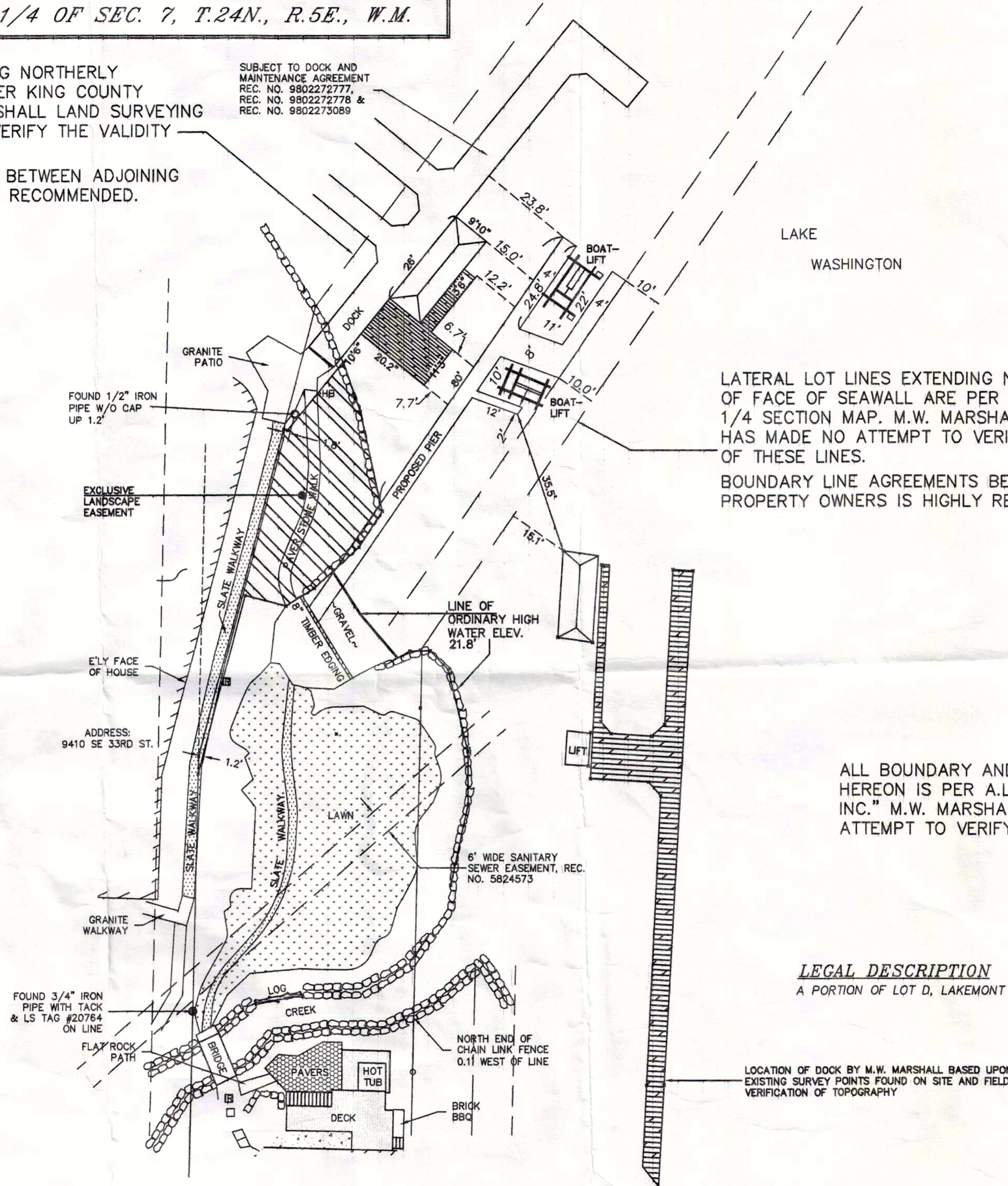


S.W. 1/4 OF THE N.E. 1/4 OF SEC. 7, T.24N., R.5E., W.M.

LATERAL LOT LINES EXTENDING NORTHERLY OF FACE OF SEAWALL ARE PER KING COUNTY 1/4 SECTION MAP. M.W. MARSHALL LAND SURVEYING HAS MADE NO ATTEMPT TO VERIFY THE VALIDITY OF THESE LINES.

BOUNDARY LINE AGREEMENTS BETWEEN ADJOINING PROPERTY OWNERS IS HIGHLY RECOMMENDED.

SUBJECT TO DOCK AND MAINTENANCE AGREEMENT
REC. NO. 9802272777,
REC. NO. 9802272778 &
REC. NO. 9802273089



LATERAL LOT LINES EXTENDING NORTHERLY OF FACE OF SEAWALL ARE PER KING COUNTY 1/4 SECTION MAP. M.W. MARSHALL LAND SURVEYING HAS MADE NO ATTEMPT TO VERIFY THE VALIDITY OF THESE LINES.

BOUNDARY LINE AGREEMENTS BETWEEN ADJOINING PROPERTY OWNERS IS HIGHLY RECOMMENDED.

ALL BOUNDARY AND SURVEY INFORMATION SHOWN HEREON IS PER A.L.T.A. SURVEY BY "CONCEPT ENGINEERING INC." M.W. MARSHALL LAND SURVEYING HAS MADE NO ATTEMPT TO VERIFY THE VALIDITY OF ITS CONTENTS.

LEGAL DESCRIPTION
A PORTION OF LOT D, LAKEMONT UNRECORDED

LOCATION OF DOCK BY M.W. MARSHALL BASED UPON EXISTING SURVEY POINTS FOUND ON SITE AND FIELD VERIFICATION OF TOPOGRAPHY

RECEIVED
JAN 23 2015
CITY OF MERCER ISLAND
DEVELOPMENT SERVICES



RECORDERS CERTIFICATE

Filed for record this _____ day of _____ 20____ at _____ M
in book _____ of _____ at page _____ at the request of _____

Mgr. Supt. of Records

SURVEYOR'S CERTIFICATE

This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Survey Recording Act at the request of _____ IN _____ 2014

Certificate No. 20764

M. W. MARSHALL

PROFESSIONAL LAND SURVEYOR
7834 S.E. 32ND ST. MERCER ISLAND, WASHINGTON 98040 TEL: (206) 232 - 5282

DWN TMM	SCALE 1"=20'	DATE 6/24/14
SVD TMM&MWM	F.B. NO. N/A	PAGE
APP'D		JOB NO. 4935